A

KHO SIN HOCK

v.

TIMBALAN MENTERI KESELAMATAN DALAM NEGERI, MALAYSIA & ORS

B

HIGH COURT MALAYA, JOHOR BAHRU
VERNON ONG LAM KIAT JC
[ORIGINATING SUMMONS NO: (MT-1) 24-4548-2006]
30 APRIL 2008

C

PREVENTIVE DETENTION: *Restriction order - Detention order against person - Whether plaintiff's prolonged detention before making of restriction order unlawful - Lapse of 17 days - Whether deputy minister gave proper explanations for delay - Whether legal obligations for the*
D *making of the orders under s. 2(2) and s. 2A(1) of the Restricted Residence Act 1933 carried out with convenient speed - Whether there was a serious breach of the mandatory requirement of s. 3(1) Restricted Residence Act 1933*

E

This was the plaintiff's originating summons for a declaration that the restriction order dated 17 July 2006 under ss. 2A(1) and 2(2) Restricted Residence Act 1933 ('RRA') was null and void and of no effect. The issues raised by the plaintiff were (a) whether the plaintiff's prolonged detention at Penjara Kluang before the making
F of the restriction order was unlawful, null and void due to the delay and lapse of 17 days from the date of the arrest to the date of the restriction order; (b) whether the contents and terms of the restriction order were informed and explained to the plaintiff.

Held:

G

(1) It was abundantly clear from the deputy minister's affidavit that he was already satisfied that the plaintiff ought to be restricted for the purpose of peace and public order. There were no additional or new documents, reports or other
H information for the deputy minister to read, study or consider. Further, there was no provision for any appeal against an order under s. 2(1) under the RRA. The deputy minister's explanation that he needed to consider the plaintiff's appeal, if any, was misconceived in law and in fact. Also, having
I already decided not to hold any enquiry, this explanation was

irrelevant. In the circumstances, there was clearly no reason why the deputy minister had to wait for 17 days to make the restriction order. (paras 8, 9 & 11)

(2) The delay of 17 days was evident from the affidavit evidence adduced by the parties herein. There was nothing in the deputy minister's affidavit or in the other affidavits filed by the defendants to say otherwise. Instead, the deputy minister sought to explain the reasons for the delay. However, the plaintiff had challenged and rebutted all the deputy minister's explanations. There was no reply to the plaintiff's affidavit in rebuttal. After considering the submissions of learned counsels for the plaintiff and the respondents and examining the explanations proffered by the deputy minister, it was this court's finding that the explanations were without merit. Accordingly, the legal obligations for the making of the orders under s. 2(2) and s. 2A(1) of the RRA were not carried out by the deputy minister with all convenient speed. (paras 14, 15 & 16)

(3) The court must be satisfied that when the two orders in question were served on the plaintiff (i) the plaintiff was informed of the terms of the said orders in his own language; (ii) that the plaintiff understood what was explained to him and (iii) the person engaged in the explanation must state that he too understood the said language and was proficient in it. In this regard, the officer in charge has an onerous responsibility in ensuring that the plaintiff clearly understood the terms of the said orders. The plaintiff's signature and thumb print appeared on the back pages of both the s. 2(1) order and s. 2A(1) order. However, only one of the backpages contained an endorsement by D/L/Kpl Wong Boon Wai. The discrepancies were not clarified or explained by the defendants. In the premises, D/L/Kpl Wong Boon Wai's assertion that he interpreted the terms of both orders to the plaintiff was not consistent with the affidavit evidence adduced by the defendants. The only inference that could be drawn was that (i) the plaintiff was not informed of the terms of the s. 2(2) order or (ii) the plaintiff was not informed of the terms of the s. 2A(1) order. The statutory obligation to inform under s. 3(1) of the RRA had not been complied with. (paras 24 & 26)

A **(4)** The effects of both the above findings rendered the said restriction orders null and void. The plaintiff was hereby set at liberty. (para 27)

[Order accordingly.]

B **Case(s) referred to:**

Chong Kim Loy v. Timbalan Menteri Dalam Negeri, Malaysia & Anor [1990] 1 CLJ 61; [1990] 1 CLJ (Rep) 731 ***(refd)***

Chin Wee Yee lwn. Menteri Dalam Negeri, Kuala Lumpur, Ministry of Home Affairs & Satu Lagi [1998] 3 CLJ 549 CA ***(refd)***

C *Keng Kien Hock v. Timbalan Menteri Keselamatan Dalam Negeri Malaysia & Ors [2007] 5 CLJ 171 CA* ***(refd)***

Kok Wee Siong v. Timbalan Menteri Dalam Negeri, Malaysia & Anor [1992] 1 CLJ 681; [1992] 2 CLJ (Rep) 651 HC ***(refd)***

Lee Teng Kui v. Menteri Hal Ehwal Dalam Negeri, Malaysia & Ors [1994] 3 CLJ 61 HC ***(refd)***

D *Tan Hoon Seng & Anor v. Minister For Home Affairs & Anor [1990] 1 CLJ 423; [1990] 1 CLJ (Rep) 271 SC* ***(refd)***

Timbalan Menteri Hal Ehwal Dalam Negeri, Malaysia & Ors v. Liau Nyun Fui [1991] 1 CLJ 458; [1991] 1 CLJ (Rep) 458 SC ***(refd)***

E **Legislation referred to:**

Dangerous Drugs (Special Preventive Measures) Act 1985, ss. 3(1), 6(1)

Dangerous Drugs (Special Preventive Measures) (Advisory Board Procedure) Rules 1987, r. 3(3)

Restricted Residence Act 1933, ss. 2A(1), 2(1), (2), 3(1),

F

For the plaintiff - En Shanmugam; M/s Shanmugam & Co

For the defendants - Syed Faisal Federal Counsel; Ministry of Home Affairs

Reported by Suhainah Wahiduddin

G

JUDGMENT

Vernon Ong Lam Kiat JC:

H **[1]** This Saman Pemula (encl. 3) is by the plaintiff for a declaration that Restriction Order dated 17 July 2006 under s. 2A(1) and 2(2) Restricted Residence Act 1933 ('RRA') is null and void and of no effect.

I

Brief Facts

1 July 2006 – Plaintiff arrested in Kluang, Johor and detained at IPP, Kluang and later at Penjara Kluang.

Warrant of Arrest and Detention Order – issued on 30 March 2006 (s. 2(1)).

17 July 2006 – section 2(2) Order and s. 2A(1) Order issued. plaintiff taken from Penjara Kluang and transferred to Semenyih.

Restriction Order – restricting plaintiff to mukim Semenyih Daerah Hulu Langat, Selangor for three years with effective from 17 July 2006 together with police supervision.

[2] Two Issues Raised By Plaintiff

(1) whether plaintiff's prolonged detention at Penjara Kluang before the making of Restriction Order is unlawful, null and void due to the delay and lapse of 17 days from the date of the arrest to the date of the restriction order.

(2) whether contents and terms of Restriction Order were informed and explained to plaintiff in his own language, namely, Hokkien.

[3] Affidavits filed

i. Plaintiff's affidavit affirmed on 1 December 2006 (encl. 4)

ii. Deputy Minister's Affidavit affirmed on 12 March 2007 (encl. 14)

iii. Affidavit Cif Insp. Nordin b. Ahmad – 11 April 2007 (encl. 7)

iv. Affidavit – Jamaludin b. Saad – 11 April 2007 (encl. 9)

v. Affidavit – Kons. Zamzuriana bt Zakaria – 11 April 2007 (encl. 8)

vi. Affidavit – D/L/Kpl Wong Boon Wai – 12 March 2007 (encl. 15)

A vii. Plaintiff's affidavit balasan – 18 May 2007 (encl. 10)

viii. Affidavit balasan – Jamaludin – 19 October 2007 (encl. 13)

ix. Affidavit Balasan Deputy Minister – 10 October 2007 (encl. 12)

B

Issue No. 1

[4] Learned counsel for the plaintiff submitted that s. 2(2) RRA does not prescribe any time frame within which Deputy Minister C may make a Restriction Order. Sections 2(1), 2(2) and 2A(1) reads as follows:

> **2(1)**
>
> Whenever it shall appear to the Minister on such written information and after such enquiry as he may deem necessary that D there are reasonable grounds for believing that any person should be required to reside in any particular area or should be prohibited from entering into any particular area or areas the Minister may issue an order in one of the Forms in the Schedule for the arrest and detention or, if he is already in prison, for the detention of E that person.
>
> **2(2)**
>
> The Minister thereafter after such further enquiry as he may deem necessary may make an order in the Form in the Schedule that from a date to be stated in the order, the person do reside F in such area as may be specified in the order or do not enter into such area or areas as may be so specified.
>
> **2A(1)**
>
> Without prejudice to section 2, the Minister may by order direct G that any person named in the order shall be placed under police supervision for any period not exceeding five years and may renew any such order for a further period or periods not exceeding one year at any one time.

[5] Learned counsel for the applicant submitted under s. 2(2), a H Restriction Order may be made under two situations, namely (i) after a further enquiry, if further enquiry is deemed necessary, and (ii) after no enquiry is deemed necessary. In respect of the first situation, the further enquiry and the issue of the restriction order shall be effected with all convenient speed. In respect of the I second situation, the Deputy Minister ought to proceed

thereafter, that is, after the detention, to make the restriction order with all convenient speed. What constitutes convenient speed depends on the particular circumstances of each case. (see *Timbalan Menteri Hal Ehwal Dalam Negeri, Malaysia & Ors v. Liau Nyun Fui* [1991] 1 CLJ 458; [1991] 1 CLJ (Rep) 458).

[6] In his affidavit (encl. 14 at para. 5(ii)) the Deputy Minister stated that no further enquiry was necessary. In the circumstances the restriction order shall be made with all convenient speed after the detention of the applicant. In this case, however, there was a delay and lapse of 17 days from the date of arrest (1 July 2006) to the date of the making of the restriction order date (17 July 2006). The Deputy Minister also cited five grounds to explain the reasons for the delay. (encl. 14 at para. 7). The five grounds read as follows:

(a) Saya harus melihat, meneliti dan menilai dokumen-dokumen dan fail kes plaintif yang relevan di dalam perkara ini dan juga maklumat terkini mengenai fail siasatan plaintif;

(b) Saya harus memutuskan samada untuk mengadakan inkuiri atau sebaliknya;

(c) Saya harus menimbangkan rayuan jika ada yang akan dikemukakan oleh plaintif;

(d) Saya harus menentukan terma-terma dan syarat-syarat di dalam eks. "MJB2" sebagaimana yang dilampir dan ditandakan dalam afidavit saya ini; dan

(e) Di dalam menentukan terma-terma dan syarat-syarat, saya juga harus meneliti kesesuaian tempat sekatan dan kesesuaian pemohon bekerja.

Explanation (a)

[7] Learned counsel submitted that there is no evidence to show that any further documents or information were received or scrutinized by the Deputy Minister before making the s. 2(2) order. There is also no evidence to show that the Deputy Minister caused any further statements and documents to be recorded and processed other that those he had already scrutinized before making the s. 2(1) arrest order. This contention is consistent with the Deputy Minister's assertion that he decided

not to have any enquiry (see encl. 14 @ para 5 (iii)). This fact is also evident in the grounds of arrest contained in the "Borang A – s. 2(1) – Alasan-Alasan Menangkap" (exh. MJB1, reproduced hereunder) wherein the Deputy Minister said that he was satisfied as to the grounds for making the restriction order under s. 2(2).

Alasan-Alasan Menangkap Kho Sin Hock No. K/P: 570726-01-6541

Atas maklumat, laporan dan keterangan bertulis yang diperolehi dalam sesuatu siasatan yang dijalankan oleh pegawai-pegawai yang bertanggungjawab dan berpengalaman dalam membuat penyiasatan dan siasatan mengenai perkara-perkara jenis ini, saya berpuashati bahawa terdapat sebab-sebab bagi mempercayai, dan saya sesungguhnya percaya bahawa kegiatan-kegiatan kamu di kawasan Food Court Ah Cheng, Jalan Tembikai, Kluang Johor tidak mendatangkan faedah kepada keamanan dan ketenteraman awam di situ ...

[8] It is abundantly clear from the Deputy Minister's affidavit that he was already satisfied that the plaintiff ought to be restricted for the purpose of peace and public order. There were no additional or new documents, reports or other information for the Deputy Minister to read study or consider. In *Liau Nyun Fui (supra)* at p. 464, Abdul Hamid Omar LP said:

The Timbalan Menteri had made a firm decision that it was not necessary to hold any further enquiry under s. 2(ii) of the Enactment. All he did was to scrutinise the information and documents, presumably in respect of those he already had in his possession at the time he issued the order for the plaintiff's arrest and detention. There was thus nothing to show that the timbalan menteri had to scrutinise new information or documents other than those he had already scrutinised before making the order under s. 2(ii). There was also nothing to show that he caused further statements to be recorded or further documents to be taken possession of after the order under s 2(i). Why therefore did he have to wait six weeks to make the restriction order?

[9] In the circumstances of this case there was clearly no reason why the Deputy Minister had to wait for 17 days to make the restriction order. Accordingly I find that Explanation (a) is devoid of merit and is unsustainable.

Explanation (b)

[10] Learned counsel submitted that since the Deputy Minister had already decided that no further enquiry was necessary (Deputy Minister's affidavit encl. 14 @ para 5 (iii)), the Deputy Minister ought to have proceeded to make the restriction order with all convenient speed. In the premises the explanation that the Deputy Minister still needed to consider whether to hold an enquiry or not is feeble and misconceived. As there was no reason for the Deputy Minister to wait for 17 days before making the restriction order and in the light of the Deputy Minister's assertions relating to explanation (a) above, I find that this explanation is without merit.

Explanation (c)

[11] The Deputy Minister's third explanation alluded to the fact that he needed to consider the plaintiff's appeal, if any. Learned counsel submitted that there is no evidence before the court to show that the plaintiff made any appeal against his arrest order under s. 2(1). It is clear from the affidavit evidence that no appeal was in fact made by the plaintiff. In the absence of any appeal, this explanation is of no merit whatsoever. In this respect, it is noted that there is no provision for any appeal against an order under s. 2(1) under the RRA. In the circumstances, the Deputy Minister's explanation that he needed to consider the plaintiff's appeal, if any, is misconceived in law and in fact. Further, having already decided not to hold any enquiry, this explanation is irrelevant and devoid of merit.

Explanations (d) And (e)

[12] Learned counsel argued that there was no necessity for the Deputy Minister to ascertain the terms and conditions of orders made under s. 2(2) and s. 2A. Section 2A(2) describes five restrictions set out in paras (a) to (f) therein under which a person shall be subject to. A perusal of the s. 2(2) and s. 2A(1) orders in question will reveal that the terms and conditions are clearly spelt out. In fact these orders adopted the standard forms as provided for in the Schedule to the RRA. In the case of the s. 2(1) order the form in question is identified as 'Borang C' and s. 2A(1) order 'Borang E' in the Schedule. There is thus no

necessity for the Deputy Minister to ascertain the terms and conditions of the said orders as the same are already ascertained and comprehensively set out in the Schedule. In the premises explanations (d) and (e) are also without merit.

[13] In *Keng Kien Hock v. Timbalan Menteri Keselamatan Dalam Negeri Malaysia & Ors* [2007] 5 CLJ 171 the Court of Appeal dismissed the appeals of the appellants against the decision of the High Court for a declaration that the restriction order issued against them under s. 2(2) RRA was null and void and of no effect. In ruling on the appropriate approach to be adopted the Court of Appeal said:

> It is clear based on the principles enunciated in the above mentioned two cases (*Phua Hing Lai & Ors v. Timbalan Menteri Hal Ehwal Dalam Negeri, Malaysia & Ors* [1990] 1 CLJ 420 and *Lai Nyun Fui (supra)*, the applicable approach to be adopted is firstly, the appropriate test is not on the delay in carrying out the legal obligation but rather on whether the legal obligation was carried out with all convenient speed under the circumstances of the case. And, secondly, the burden of establishing the performance of the legal obligation under such circumstances remained on the applicant, the restricted person and never shifted to the respondent, the Minister.
>
> We are of the view that in order to arrive at a correct finding of fact as to whether the legal obligation was carried out with all convenient speed under the circumstances of such particular case, it shall be the duty of the trial judge to look into all the affidavit evidence adduced by the parties in the proceedings.

[14] The delay of 17 days is evident from the affidavit evidence adduced by the parties herein. There is nothing in the Deputy Minister's affidavit or in the other affidavits filed by the defendants to say otherwise. Instead, the Deputy Minister sought to explain the reasons for the delay. This has been considered in the preceding paragraphs. In *Keng Kien Hock (supra)* the appellant chose not to challenge or to rebut the Deputy Minister's explanations. The Court of Appeal held that such an omission by the appellant rendered the explanations given by the Deputy Minister as being plausible.

[15] In this instance, however, the plaintiff has (affidavit *vide* encl. 10 @ para 4) challenged and rebutted all the Deputy Minister's explanations. There was no reply to the plaintiff's affidavit in rebuttal. Learned counsel for the plaintiff referred to the following cases in which the delays were held to be unreasonable.

Liau Nyun Fui (supra)	–	42 days delay
Zakaria bin Hussin [1994] 1 AMR 730	–	25 days delay
Thor Kheng Chor [1994] 1 AMR 768	–	14 days delay
Ng Chai Yang [1994] 2 AMR 1182	–	19 days delay
Lai Poh Kim [1992] Mallals Dig. Para. 26	–	27 days delay
SP No. 24-3142-2004	–	32 days delay

[16] After considering the submissions of learned counsels for the plaintiff and the respondents and examining the five explanations proffered by the Deputy Minister it is this court's finding that the explanations are without merit. Accordingly, the legal obligations for the making of the orders under s. 2(2) and s. 2A(1) were not carried out by the Deputy Minister with all convenient speed.

Issue No. 2

[17] I now turn to the plaintiff's second contention. It is that the plaintiff was not informed of terms of order when service of the orders under s. 2(2) and s. 2A(1) was effected on him. Section 3 RRA which provides that a person affected shall be informed of the order reads as follows:

> (1) When any such order as is referred to in subsection 2(2) or section 2A has been made with reference to any person, he shall be taken before the Officer in Charge of the prison in which he is detained and the Officer in Charge **shall inform him of the terms of the order** and shall deliver to him a copy thereof and shall require him to state the place in which, consistently with the terms of the order, he desires in the immediate future to reside. (emphasis added)

[18] Section 3(1) is a mandatory provision and it imposes a statutory obligation on the officer in charge to inform the plaintiff of the terms of the order. In *Kok Wee Siong v. Timbalan Menteri Dalam Negeri, Malaysia & Anor* [1992] 1 CLJ 681; [1992] 2 CLJ

(Rep) 651 the petitioner was arrested under s. 3(1) of the Dangerous Drugs (Special Preventive Measures) Act 1985. It was *inter alia*, contended by the petitioner that the detention order must be explained to the petitioner. In that case the High Court adopted the guidelines as laid down by the Supreme Court in *Tan Hoon Seng & Anor v. Minister For Home Affairs & Anor* [1990] 1 CLJ 423; [1990] 1 CLJ (Rep) 271 SC where it stated that the law of preventive detention must be construed strictly and in the case of doubt the court should lean in favour of the subject. The High Court held that all the relevant documents served on the petitioner must be understood by him in his own language and the person engaged in the explanation must state that he too understood the said language and was proficient in it.

[19] In *Lee Teng Kui v. Menteri Hal Ehwal Dalam Negeri, Malaysia & Ors* [1994] 3 CLJ 61 the applicant was detained under s 6(1) of the Dangerous Drugs (Special Preventive Measures) Act 1985. The issue was whether the office in charge had, when reminding the detainee of his right to make representations, used a language or dialect which was understood by the detainee and whether r. 3(3) of the Dangerous Drugs (Special Preventive Measures) (Advisory Board Procedure) Rules 1987 had been breached. The High Court held that when the detainee is being informed of, or reminded by, the officer in charge of his right to make representations, the officer in charge has an onerous responsibility in ensuring that the detainee clearly understood such rights, notwithstanding whether such information or reminder was made during arrest, service of the detention order or when a detainee is brought to the place of detention.

[20] Learned counsel for the plaintiff submitted that the plaintiff only understood hokkien. In his affidavit the plaintiff said that "Saya berfasih bahasa Cina Hokkien." He also said that "Isi kandungan perintah-perintah selanjutnya tidak diterangkan kepada saya." (encl. 4 at paras. 2 and 4 respectively)

[21] In reply learned counsel for the defendants submitted that the plaintiff was informed of the said orders in Mandarin by one D/L/Kpl Wong Boon Wai. In this connection, the relevant averments contained in para 10 of D/L/Kpl Wong Boon Wai's affidavit (encl. 15) is as follows:

Pada 17-7-2006 saya telah pergi ke Penjara Kluang, Johor untuk membantu Penguasa Penjara JAMALUDIN BIN SAAD di Penjara Kluang, Johor untuk menterjemahkan penerangan yang dibuat oleh Penguasa Penjara JAMALUDIN BIN SAAD dari Bahasa Malaysia ke dalam Bahasa Cina loghat Mandarin kepada Plaintif. Sebelum menterjemahkan penerangan yang dibuat oleh Penguasa Penjara JAMALUDIN BIN SAAD saya telah terlebih dahulu bertanya kepada Pemohon bahasa yang fasih digunakan olehnya dan Plaintif menyatakan yang dia fasih dalam Bahasa Cina loghat Mandarin, saya kemudiannya menterjemahkan kepada Plaintif penerangan yang dibuat oleh Penguasa Penjara JAMALUDIN BIN SAAD dalam Bahasa Cina loghat Mandarin. Plaintif telah memahami segala terjemahan yang saya buat berkaitan dengan syarat-syarat sebagaimana Borang E berkaitan Perintah di bawah Seksyen 2A(1) Akta Kediaman Terhad 1933 (selepas ini dirujuk segabai "Akta tersebut') dan Perintah di bawah Seksyen 2(2) Akta tersebut. Plaintif kemudiannya telah mengakui memahami isi kandungan dokumen-dokumen tersebut dan telah menandatangani di muka surat belakang kedua-dua perintah tersebut.

[22] Applying the principles referred to in *Lee Teng Kui (supra)* and *Tan Hoon Seng & Anor (supra)* the court must be satisfied that when the two orders in question were served on the plaintiff (i) the plaintiff was informed of the terms of the said orders in his own language, (ii) that the plaintiff understood what was explained to him, and (iii) the person engaged in the explanation must state that he too understood the said language and was proficient in it. In this regard, the officer in charge has an onerous responsibility in ensuring that the plaintiff clearly understood the terms of the said orders.

[23] Learned counsel for the defendants submitted that the plaintiff admitted that he understood the terms of the said orders when the plaintiff signed and affixed his thumb-print on the back pages of the said orders. (see *Chin Wee Yee lwn. Menteri Dalam Negeri, Kuala Lumpur, Ministry of Home Affairs & Satu Lagi* [1998] 3 CLJ 549). It was also submitted that it was not necessary to explain using technical or precise language. It was sufficient to inform the plaintiff in general terms. In support thereof learned counsel referred to *Chong Kim Loy v. Timbalan Menteri Dalam Negeri, Malaysia & Anor* [1990] 1 CLJ 61; [1990] 1 CLJ (Rep) 731 which concerned a detention order made under s. 6(1) Dangerous Drugs (Special Preventive Measures) Act 1985.

[24] The plaintiff's signature and thumb-print appears on of the back pages of both the s. 2(2) order and s. 2A(1) order. However, on examination, it was found that only one of the back pages contained an endorsement by D/L/Kpl Wong Boon Wai on the following terms:

> Saya telah menerangkan isi-isi kandungan dokumen yang diterima oleh penama di dalam bahasa Cina/Mandarin (loghat) yang difahami oleh penama.
>
> (signature – illegible)
> ...
> (D/L/KPL 118466 Wong Boon Wai)
> PENTERJEMAH

[25] Exhibit MJB2 in the Deputy Minister's affidavit (encl. 14) includes copies of the front pages of s. 2(2) and s. 2A(1) orders followed by copies of two back pages. The first copy of a back page carried the endorsement of D/L/Kpl Wong Boon Wai abovementioned. However, the second copy of a back page did not carry the said endorsement. There was also nothing to indicate which order the back pages related to respectively. These discrepancies were not clarified or explained by the defendants.

[26] In the premises, D/L/Kpl Wong Boon Wai's assertion that he interpreted the terms of both orders to the plaintiff is not consistent with the affidavit evidence adduced by the defendants. The only inference that can be drawn is that (i) the plaintiff was not informed of the terms of the s. 2(2) order, or (ii) the plaintiff was not informed of the terms of the s. 2A(1) order. Both inferences are favourable to the plaintiff. In the circumstances, it cannot be said that the plaintiff has been informed of the terms of the two orders. In view of this finding, it follows that the statutory obligation to inform under s. 3(1) has not been complied with.

[27] To conclude, it is the finding of this court that the Deputy Minister failed to act with all convenient speed in making the s. 2(2) and s. 2A(1) orders. It is also the finding of this court that there has been a serious breach of the mandatory requirement of s. 3(1). The effects of both of the above findings render the said restriction orders null and void. The plaintiff is hereby set at liberty.